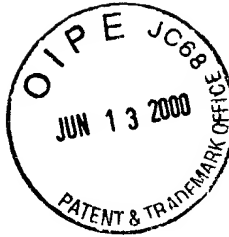


**ARTER & HADDEN**

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June 12, 2000

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

ATT: PCT Legal Office


In re Application of: HICKS et al  
USApplication No: 09/230275  
International App. No PCT/US97/13321  
IA Filing Date: 23 July 1997  
Priority Date: 24 July 1996  
For: Cholesterol Separation and  
Fluorescent Analysis

Sir:

Submitted herewith is a **RENEWED PETITION UNDER 37 CFR 1.181**, together with supporting exhibits 1-8.

Pursuant to the Decision on Petition to Withdraw Notice of Abandonment mailed May 22, 2000, no petition fee is required. Furthermore, since this Renewed Petition is filed within two months, no extension fee is required.

Respectfully submitted,

  
Jerold I. Schneider  
Registration No. 24,765  
Attorney for Applicants

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: HICKS et al  
USApplication No: 09/230275  
International App. No PCT/US97/13321  
IA Filing Date: 23 July 1997  
Priority Date: 24 July 1996  
For: Cholesterol Separation and Fluorescent Analysis

**RENEWED PETITION UNDER 37 CFR 1.181  
TO WITHDRAW  
NOTIFICATION OF ABANDONMENT**

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

ATT: PCT Legal Office

Sir:

This is a Renewed Petition Under 37 CFR 1.181 to Withdraw the Notification of Abandonment. A "Decision on Petition" was mailed May 22, 2000. This "Renewed Petition" is filed within two months and is thus timely without any extension fee. Based on the following, reconsideration on the merits is solicited.

**FACTS**

In the Decision on Petition mailed May 22, 2000, the Office correctly noted that copies of docket records where the nonreceived Office communication would have been entered had it been received and docketed, were not provided. The following is now provided.

1. Docket Sheet dated 16 October 1998 indicating (albeit incorrectly) a filing deadline of 21 October 1998;

2. Docket Sheet dated 26 January 1999 indicating that the application was filed 22 January 1999 and docketing reminder dates for Serial Number postcard, receipt of the OFR (official filing receipt) and IDS (information disclosure statement) due date;
3. Docket sheet dated 4 February 1999, indicating that a serial number had been assigned (09/230275) (note "postcard S.N. received 1/28/99 in the 'remarks' section) and retaining the reminder dates for receipt of the OFR (official filing receipt) and IDS (information disclosure statement) due date;
4. Docket sheet dated 3 June 1999, indicating the change of address filed June 2, 1999 (see 'remarks' section) and a status check for 22 April, 2000. (Note, the docketing system had dropped the prior two dates for OFR and IDS as those dates had passed and were not considered statutory dates.)
5. Docket sheet dated 10/29/99 (processed after my arrival at new law firm) based on docket clerk review of file which indicated a [Paris] Convention deadline of 1/22/00 and a status check set for 7/22/00.
6. Docket sheet dated 3/8/00 merely indicating a change in the internal client identification at Arter & Hadden, LLP, specifically, the data in the box "A&HCM".
7. Docket sheet dated 4/22/00 indicating docketing of the Notification of Abandonment (mailed 3/2/00).
8. Docket sheet dated 5/25/00 indicating that the Petition to Withdraw the holding of abandonment was denied.

## **DISCUSSION**

Copies of the docket sheets, identified in the lower right hand corner by numerals 1-8 corresponding to the above list, are attached. The file does not include any other docket sheets.

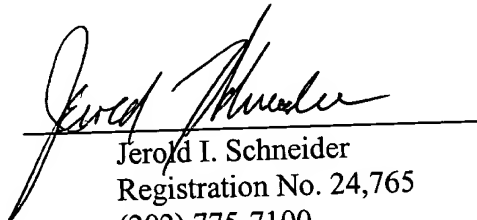
As a practitioner registered to practice before the United States Patent and Trademark Office, I hereby certify the accuracy of all the foregoing statements, and the accuracy of the copies of the docket sheets.

It is submitted that the remaining requirement of 711.03(c), M.P.E.P. and 1156 O.G. 53 (November 16, 1993) as set forth in the Decision on Petition mailed May 22, 2000, have been complied with, and all requirements to establish non-receipt of an Office action have been met. Thus, it is submitted that applicant has established that there was non-receipt of the Office action (Notification of Missing Requirements).

Based upon the foregoing and the information submitted with the initial petition, withdrawal of the Notice of Abandonment is solicited.

Respectfully submitted,

June 13, 2000

  
Jerold I. Schneider  
Registration No. 24,765  
(202) 775-7100  
*Attorney for Applicants*

# Country Applications

16-Oct-98

Docket Number:	5093	Country:	US	SubCase:	00
Client:	Helena Laboratories Corp.	United States of America			
Matter:		CPA:	No		
Case Type:	ORD	Application Status:	Unfiled		
Application Number:		Filing Date:			
Patent Number:		Issue Date:			
Publication Number:		Publication Date:			
Tax Schedule:	LE	Expiration Date:			
Agent:		Agent Reference Number:			
		Title:	Cholesterol Separation and Fluorescent Analysis		
		Docket Number:	5093	US	00
Action(s) Due	Due Date	Indicator	Action Taken	Response Sent	
Application Filing Deadline	21-Oct-1998	DueDate	<input type="checkbox"/>	<input type="checkbox"/>	

Remarks: PCT application 9713321 is based on U.S. Provisional Appl. No. 60/022354, Filed 7/23/96;

UserID:	Quandetta	Date Created:	10/16/98	Last Update:	10/16/98
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1

# Country Applications

26-Jan-99

Docket Number:	5093	Country:	US	SubCase:	00
Client:	Helena Laboratories Corp.	United States of America			
Matter:		CPA:	No		
Case Type:	ORD	Application Status:	Pending		
Application Number:		Filing Date:	22-Jan-1999		
Patent Number:		Issue Date:			
Publication Number:		Publication Date:			
Tax Schedule:	LE	Expiration Date:			
Agent:		Agent Reference Number:			
		Title:	Cholesterol Separation and Fluorescent Analysis		

Docket Number:		5093	US	00
Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
Serial Number Postcard	22-Feb-1999	Reminder	<input type="checkbox"/>	<input type="checkbox"/>
Receipt of OFR	22-Mar-1999	Reminder	<input type="checkbox"/>	<input type="checkbox"/>
IDS Due	22-Apr-1999	Reminder	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: PCT application 9713321 is based on U.S. Provisional Appl. No. 60/022354, Filed 7/23/96;

UserID:	Quandetta	Date Created:	10/16/98	Last Update:	1/26/99
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2

# Country Applications

04-Feb-99

Docket Number:	5093	Country:	US	SubCase:	00
Client:	Helena Laboratories Corp.	United States of America			
Matter:		CPA:	No		
Case Type:	ORD	Application Status:	Pending		
Application Number:	09/230275	Filing Date:	22-Jan-1999		
Patent Number:		Issue Date:			
Publication Number:		Publication Date:			
Tax Schedule:	LE	Expiration Date:			
Agent:		Agent Reference Number:			
		Title:	Cholesterol Separation and Fluorescent Analysis		
		Docket Number:	5093	US	00

Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
Receipt of OFR	22-Mar-1999	Reminder	<input type="checkbox"/>	<input type="checkbox"/>
IDS Due	22-Apr-1999	Reminder	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: PCT application 9713321 is based on U.S. Provisional Appl. No. 60/022354, Filed 7/23/96; Postcard S.N. received 1/28/99

UserID:	Ana Reyes	Date Created:	10/16/98	Last Update:	2/1/99
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3

03-Jun-99

## Country Applications

Docket Number:	5093	Country:	US	SubCase:	00
Client:	Helena Laboratories Corp.	United States of America			
Matter:		CPA:	No		
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Application Number:	09/230275	Filing Date:	22-Jan-1999		
Patent Number:		Issue Date:			
Publication Number:		Publication Date:			
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Agent:		Agent Reference Number:			
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		Docket Number:	5093	US	00
Action(s) Due	Due Date	Indicator	Action Taken	Response Sent	
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Remarks: PCT application 9713321 is based on U.S. Provisional Appl. No. 60/022354, Filed 7/23/96; Postcard S.N. received 1/28/99; Filed change of address 6/2/99;

UserID:	Ana Reyes	Date Created:	10/16/98	Last Update:	6/3/99
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OPER ☐ CBK ENTERED 10/29/99 MODIFIED 10/29/99 ATTORNEYS JS0 / NAS ☐ NAS  
 A&HCM# 5093.00 CNTRY US UNITED STATES NEW/CON NEW RELATED  
 PATS# P62243US0 TYPE UTL SERIAL# 09/230,275 PATENT# STAT PENDING  
 TITLE CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS ART#  
 CLIENT 00001/ Helena Laboratories Corp 1 CREF SE NO LOC  
 AGENT AREF CLAIMS PBL#  
 PRIOR MAIL FILE 1/22/99 PUBL ISSUE EXP 1/22/19 1ST 1/22/99

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SC	N	STATUS CHECK	1/22/99	18M	7/22/00	0	7/22/00	0		1M	Y	Y	Y

#### INVENTORS

GUADAGNO, Philip A.

#### NOTES

BASED OFF PCT APPLICATION 97/13321 7/23/97 (???)

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OPER CBK ENTERED 10/29/99 MODIFIED 2/8/00 ATTORNEYS JS0 / NAS NAS PRINTED ON: 3/8/00  
A&HCM 74712/98807E CNTRY US UNITED STATES NEW/CON NEW RELATED  
PATS# P62243US0 TYPE UTL SERIAL# 09/230,275 PATENT# STAT PENDING  
TITLE CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS ART#  
CLIENT 74712/ Helena Laboratories Corp 1 CREF 5093.00 SE NO LOC WDC  
AGENT AREF CLAIMS PBL#  
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INVENTORS

GUADAGNO, Philip A.

NOTES

BASED OFF PCT APPLICATION 97/13321 7/23/97 (???)

6

OPER  ENTERED  MODIFIED  ATTORNEYS  /    
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 A&HCM  CNTRY  UNITED STATES NEW/CON  RELATED   
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 TITLE  ART#   
 CLIENT   CREF  SE  LOC   
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INVENTORS

ASSIGNEES

PRIOR APPLICATIONS					TITLE / DESCRIPTIO	TYPE
REFERENCE#	CNTRY	SERIAL#	FILED			
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 PATS# **P62255US1** TYPE **UTL** SERIAL# **09/230,275** PATENT#  STAT **PENDING**  
 TITLE **CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS** ART#   
 CLIENT **74712** **HELENA LABORATORIES CORPORATION** 1 CREF  SE **NO** LOC **WDC**  
 AGENT  AREF  CLAIMS  PBL#   
 PRIOR **07/24/1996** MAIL  FILE **01/22/1999** PUBL  ISSUE  EXP **07/23/2017** 1ST **07/23/1997**

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RQ	N	REQ RECONSIDERATION	05/22/2000	2M	07/22/2000		07/22/2000	0		1M	Y	Y	Y

#### INVENTORS

**GUADAGNO, Philip A.**

#### ASSIGNEES

**HELENA LABORATORIES CORPORATION**

#### PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTIO	TYPE
<b>98807/P62255WO0</b>	<b>WO</b>	<b>PCT/US97/13321</b>	<b>07/23/1997</b>	<b>CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS</b>	<b>APPL</b>

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